



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAYMOND WRIGHT,

: Plaintiff,

ORDER

: - against -

: 09 Civ. 1955 (DC)

CITY OF POUGHKEEPSIE POLICE
DEPARTMENT et al.,

: Defendants.

:

- - - - - x

CHIN, District Judge

The Court has received a letter, attached hereto, from plaintiff pro se Raymond Wright, who is currently incarcerated. In it he requests that the Court (1) assist him in determining the identities of the John Does named in his complaint, and (2) reinstate the complaint as to the complaining witness.

As to plaintiff's first request, the Court has no means of ascertaining the identities of the John Does plaintiff named. Once he has served the defendants, he can obtain the information he seeks by submitting interrogatories and requesting it.

As to plaintiff's second request, it appears to arise out of a misunderstanding. Plaintiff brought his complaint against a number of parties and requested permission to proceed in forma pauperis. On March 4, 2009, the Part I Judge, considering plaintiff's in forma pauperis application, dismissed the complaint as to four individuals, including the party identified in plaintiff's complaint as "Incident Complainant."

The basis for the Court's dismissal was that the four individuals were not state actors and therefore cannot be sued under Section 1983. Plaintiff informs the Court in his letter, however, that the complaining witness is also the arresting officer, "P.M. Rutulante." Officer Rutulante is still a defendant in this case, however, and thus it is not clear to the Court what plaintiff is requesting. To the extent plaintiff is requesting that Officer Rutulante be reinstated as a defendant, that request is denied as moot, as Officer Rutulante has never been dismissed from this case. To the extent that plaintiff is requesting something else, he is hereby ordered to resubmit his request with clarification.

SO ORDERED.

Dated: New York, New York
April 23, 2009


DENNY CHIN
United States District Judge